REMARKS

Applicant respectfully requests reconsideration and allowance in view of the foregoing amendments and the following arguments. In the Office Action, mailed February 02, 2005, the Examiner rejected claims 1-7. By this response, Applicant amends the specification to update information about related applications and further amends the specification and abstract editorially to correct minor errors of a grammatical nature or in punctuation, for reasons unrelated to patentability. Applicant also amends claims 1-7 to correct typographical and/or grammatical errors, and to improve form, for reasons unrelated to patentability. New claims 8-13 are added to further protect the invention. Following entry of these amendments, claims 1-13 will be pending in the application.

Claim Rejections under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 1-7 as being unpatentable over *Lennous et al. (US 6,608,516)* in view of *Yamakido et al. (US 4,250,492)*. Applicant respectfully traverses the rejection of claims 1-7 and notes for subsequent reference the following standards for a proper §103(a) rejection.

A §103(a), or obviousness, rejection is proper only when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains." 35 U.S.C. §103(a). The Examiner must make out a *prima facie* case for

obviousness. The mere fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness.

In *In re Clay* (Fed.Cir.1992), the court has made clear that a determination on what constitutes a proper "prior art" in a §103 context "is frequently couched in terms of whether the art is analogous or not," further detailed that "[t]wo criteria have evolved for determining whether prior art is analogous: (1) whether the art is from the same field of endeavor, regardless of the problem addressed, and (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved."

For at least the reasons stated below, Applicant asserts that *Yamakido et al.* is neither in the field of the inventor's endeavor, nor does it reasonably pertain to the particular problem with which the inventor is involved, and therefore does not constitute §103 prior art. As a result, the pending claims 1-13 are allowable.

Yamakido et al. discloses non-uniform weighting circuitry, which is effective for enhancing speed and accuracy in the operations of encoders, and decoders, which are employed for analog-to-digital conversion or for digital-to-analog conversion of electric signals. However, the present invention relates to a filter, in particular to a low-pass filter with variable low cut-*off frequency.* It is clear enough to one of ordinary skill in the art that *Yamakido et al.'s* disclosure of non-uniform weighting circuitry for enhancing speed and accuracy of encoders and decoders does not fall in the same field of the inventor's endeavor of filter technology. Furthermore, *Yamakido et al.* particularly addresses a problem intended to be

solved, namely "spike-like noises generated by a switch which constitutes a part of the variable attenuator," which "are undesirably superposed directly on the quantized output signal." (column 2, line 13-20). However, the present inventor was facing a problem of the difficulty in forming a resistor with a very large resistance value in a modern integrated circuit. (page 2, line 2-11). So it is deemed quite clear that *Yamakido et al.* is not reasonably pertinent to the particular problem with which the invention is involved.

In view of the foregoing, *Yamakido et al.* is not in an analogous art with the present invention, and thus is not proper §103 prior art as to the present invention. Thus, the Examiner has failed to make out a *prima facie* case for obviousness, and the independent claims 1 and 8, both of which include the resistor network limitation therein, should be allowed.

Dependent Claims 2-7 and 9-13

Dependent claims 2-7 and 9-13 ultimately depend from one of independent claims 1 and 8. The allowability of dependent claims 2-7 and 9-13 thus follows from the allowability of independent claims 1 and 8, respectively.

Based on the above, it is submitted that the application is in condition for allowance and such a Notice, with allowed claims 1 - 13, is earnestly solicited. Should the Examiner feel that a further conference would help to expedite the

prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such a conference.

Respectfully submitted,

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